

REMARKS

The present amendment is submitted in conjunction with the Applicants' Request for Continued Examination (RCE) filed on March 28, 2006 and in response to the final Office Action dated December 28, 2005.

Claims 1-5 and 7-21 are pending in this application.

In the final Office Action, claims 1, 4, 5, 13-17, 20 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,414,260 to Vogt. Claims 1, 4-6, 9, 15-18, 20 and 21 stand rejected under 35 U.S.C. 102(b) or alternatively under 35 U.S.C. 102(a) as being anticipated by applicant admitted prior art (AAPA). Claims 2, 3, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over either Vogt or AAPA in view of U.S. Patent No. 5,920,014 to Waschies. Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over either Vogt or AAPA in view of U.S. Patent No. 6,297,467 to Maev et al.

Claims 7, 8, and 19 were allowed, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

The Applicants maintain, however, that the remaining claims also are patentable over the cited references. In the present amendment, claim 1 has been amended to more clearly define the present invention over the cited art, taking into account the Examiner's remarks presented in the final rejection with regard to the clamping element. Specifically, claim 1 as amended herein now includes the features of claim 6, which was canceled, and recites that the

connecting element is formed as a clamping element which is connectable with the electrode arm so that it fixes the electrode in a clamping seat. The previously added limitation that the sensor is "disposed at an end side of said connecting element facing an electrode arm" has been deleted from claim 1.

As argued previously, the cited patent to Vogt does not disclose a connecting element comprising a sensor. Vogt discloses a shaft 8, which is "the connecting element", which is disposed between the welding electrode cap 16 and the electrode holder 6. Again, this electrode holder 6 shown in Vogt is equivalent to the electrode arm of the present invention, not the connecting element.

In Vogt, the sensor is located inside this electrode holder 6, which is equivalent to the electrode arm of the present invention. In other words, Vogt's sensor is NOT disposed inside the connecting element (the shaft 8 in Vogt), as recited in claim 1 of the present application. Rather, the sensor in Vogt is disposed in the electrode arm.

In column 4, lines 1-2, Vogt clearly discloses that the sensor (ultrasonic transmitter/receiver) is definitively located within a recess (see line 9) of the electrode holder 6, that is, the electrode arm of the present invention. Vogt clearly shows and describes that the sensor is placed remotely from the electrode cap 16 or the connecting element (the shaft 8). Vogt does not provide any specific teaching or even suggestion of locating the sensor in a recess on the base body of the connecting element (Vogt's electrode arm).

Furthermore, none of the references teaches specifically that the connecting element is a clamping element that is connectable with the electrode arm in such a way that it fixes the electrode in a clamping seat, as defined in amended claim 1. Therefore, the rejection of claim 1 under Section 102 must be withdrawn. A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997).

For the reasons set forth above, the Applicants respectfully submit that the claims as amended herein define a patentably distinct set of features that is neither shown nor suggested by the cited references. Allowance of all of claims 1-5 and 7-21 is respectfully requested.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700